HIGH COURT OF UTTARANCHALAT NAINITAL

Writ Petition No. 1311 (S/S) 2004

Dheeraj Das S/o Sri Abbal Das,
R/o village Satera,
P.S. Satera Khal,
District Rudraprayag. ... Petitioner

Versus

State of Uttaranchal, through the Secretary,
Gramya Vikas Evam Panchayati Raj,
Govt. of Uttaranchal, Dehradun,
And two others. ... Respondents.

Sri P.C. Jhingan, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal

Heard Sri P.C. Jhingan, learned counsel for the petitioner and learned Standing Counsel for the respondent/State.

By means of this writ petition, the petitioner has prayed for a writ of mandamus commending the respondents to promote the petitioner to the post of Sanyukt Khand Vikas Adhikari w.e.f. 05.01.2002.

Contention of the petitioner is that the petitioner was appointed on the post of Gram Vikas Adhikari vide order no. 4950/V/1-10/81-82 dated 19.12.1981 and posted at Vikas Khand Deval. The District Development Officer, Uttarkashi vide its letter dated 09.09.1999 has published the seniority list of Gram Vikas Adhikari of hill districts of Uttar Pradesh in which the name of the petitioner was at sl. no. 142.

Counsel for the petitioner has further contended that the juniors to the petitioner have been promoted on the post of Sanyukt Khand Vikas Adhikari w.e.f. 05.01.2002 and the petitioner has been denied for the benefit, without any reason. The petitioner has made representation, which was recommended by the District Development Officer to the Commissioner Gram Vikas Avam Panchayati Raj, Uttaranchal, Pauri on 30.09.2003. The Commissioner replied the letter of

the District Development Officer, Uttarkashi on 20th November 2003 in which he has clarified that the petitioner was promoted to the post of Assistant Development Officer on 06.09.2000 and the criteria/eligibility for promoting an employee on the post of Sanyukt Khand Vikas Adhikari, the employee must have completed three years' of his services on the post of Assistant Development Officer which the petitioner has completed only on 06.09.2003.

I find that the Commissioner while clarifying the position on the point of promotion of petitioner was committed no infirmity.

The contention of the petitioner to the effect that the juniors to the petitioner have been promoted, is found baseless and incorrect, because the persons who have been promoted to the post of Sanyukt Khand Vikas Adhikari, had completed more than three years' service as Assistant Development Officer on 05.01.2002 (the date when they have been promoted) but on that date i.e. on 05.01.2002, the petitioner had not completed his three year's service as Assistant Development Officer, therefore, the petitioner cannot claim promotion from that date.

On 06.09.2003, the petitioner has become eligible to be promoted to the post of Sanyukt Khand Vikas Adhikari. Keeping in view the facts of the case, it is provided that if the posts are available and the petitioner is found otherwise eligible to be promoted to the post of Sanyukt Khand Vikas Adhikari, the respondents may consider his claim for promotion.

With these directions, the writ petition is disposed of finally.

(M.M. Ghildiyal, J.)

November 19, 2004:
NCM: